

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NICHIA CORPORATION,

No. C-06-00162 MMC (JCS)

Plaintiff(s),

ORDER RE MOTION TO COMPEL
[Docket No. 148]

v.

SEOUL SEMICONDUCTOR, LTD.,
ET AL.,

(E-FILING CASES)

Defendant(s).

TO ALL PARTIES AND COUNSEL OF RECORD:

On November 13, 2006, Plaintiff, Nichia Corporation (“Nichia”) and Defendants, Seoul Semiconductor, Ltd. and Seoul Semiconductor, Inc. (“Seoul”), filed a joint letter brief regarding four discovery disputes. The Court treats the letter as a motion to compel (the “Motion”). The Motion came on for hearing on December 8, 2006, at 9:30 a.m. Kenneth E. Krosin appeared as counsel for Nichia; Beth H. Parker appeared as counsel for Seoul. Having read the joint letter and heard the arguments of counsel, for the reasons stated on the record, and good cause appearing, IT IS HEREBY ORDERED that the Motion is GRANTED in part and DENIED in part as follows:

1. Foreign sales and marketing information of Defendants. The Court ORDERS Seoul to produce information on the sales and marketing of the allegedly infringing product outside the United States. The Court ORDERS lead trial counsel for Plaintiff and for Defendants to confer in person immediately after the hearing on December 8, 2006, in an effort to agree upon the categories of documents within the foreign sales and marketing materials that will be produced. The parties are also directed to meet and confer regarding any proposed dates for the completion of all productions of

documents in this case. The parties shall provide a joint letter to the Court containing the agreed-upon scope of the production of the foreign sales and marketing documents, as well as proposals for the completion of document discovery, **no later than December 18, 2006.**

2. The Court DENIES the request for the production of information on products other than Seoul's 902 Series LED, which is named in the complaint.
3. The Court DENIES the request for the production of information regarding Seoul's sales and marketing documents dated before the issuance of the patent in this case.
4. The Court declines to order the production of Nichia's pre-filing infringement analysis except as otherwise previously agreed to by the parties.

IT IS SO ORDERED.

Dated: December 11, 2006


JOSEPH C. SPERO
United States Magistrate Judge